

The Orissa Gazette



EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1428 CUTTACK, MONDAY, SEPTEMBER 6, 2010 / BHADRA 15, 1932

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 27th August 2010

No. 7287-li-BH-72/1996-LE.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 28th June 2010 in I. D. Case No.79/1997 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the management of Executive Engineer, Mayurbhanj Irrigation Division, Baripada and its workman Shri Sanatan Nayak was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER, LABOUR COURT
JEYPORE, KORAPUT
INDUSTRIAL DISPUTE CASE No.2/2010
Dated the 7th June, 2010

Present :

Shri P. K. Jena, O.S.J.S. (Jr. Branch)
Presiding Officer, Labour Court,
Jeypore, Dist. Koraput.

Between :

The Management of District Manager, . . . First party—Management
Orissa State Civil Supplies Corporation Ltd.,
Rayagada, At/P.O. Rayagada,
Dist. Rayagada.

And

Its Workman, Shri Narendra Bauri, . . . Second party—Workman
Ex-Kantawala
S/o Shri Agadhu Bauri,
At Musa Naika Sahai, P.O. Gunupur,
Dist. Rayagada.

Under Section : 10 & 12 of the Industrial Disputes Act, 1947.

Appearances :

None	For the Management
Self	For the Workman
Date of Argument	1-6-2010
Date of Award	7-6-2010

A W A R D

The Government of Orissa in the Labour & Employment Department, in exercise of the power conferred upon them under sub-section (5) of Section 12, read with clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following disputes vide their Order No. 837(5), dated 5-2-2010 for adjudication of the following disputes :–

“Whether the termination of the service of Shri Narendra Bauri, ex-Kantawala with effect from the 19th June 2001 by the District Manager, Orissa State Civil Supplies Corporation Ltd., Rayagada is legal and/or justified ? If not, what relief Shri Bauri is entitled to ?”

2. The Second party-workman in order to prove his case has filed an affidavit evidence stating that, he had been engaged as a Kantawala under the first party-management of District Manager, Orissa State Civil Supplies Corporation Ltd., Rayagada from 10-8-1994 to 18-6-2001 and working continuously without any break or interruption, but the management illegally terminated his service on 19-6-2001 without any reason and without giving him any benefits as stipulated in Section 25-F of the I. D. Act, 1947. The workman raised the dispute which has been subsequently referred to this Court for adjudication.

3. In spite of repeated notices, the management did not appear nor contest the case and as such the first party-management is set *ex parte*. The workman as already stated above in his affidavit evidence supports his case by filing some xerox copies of documents for which there is no reason to disbelieve his version. The workman filed xerox copies of documents and supported his case which have been marked as Exts. 1 to Ext. 8. The affidavit evidence filed by the workman has not been challenged in any manner by the first party management. Therefore, the only conclusion which can be drawn up, that the workman has been illegally terminated by the management without following the procedure of the I. D. Act and hence he is entitled to the reliefs as claimed.

ORDER

4. The action of the management of the District Management of the District Manager, Orissa State Civil Supplies Corporation Ltd., Rayagada in terminating the service of Shri Narendra Bauri, ex-Kantawala, with effect from 19-6-2001 is illegal and unjustified and he is entitled to be reinstated in his former post or any other capacity with full back wages within three months of passing of this Award.

Hence the reference is answered accordingly.

Dictated and corrected by me.

P. K. JENA

7-6-2010

Presiding Officer
Labour Court, Jeypore

P. K. JENA

7-6-2010

Presiding Officer
Labour Court, Jeypore

By order of the Governor

P. K. PANDA

Under-Secretary to Government